

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.5113, 5122, and 5311, (Log # AQ162*).

This proposed rule is identical to federal law or regulations, 40 CFR Parts 61 and 63, which are applicable in Louisiana. For more information regarding the federal requirement, you may contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule will incorporate by reference, into LAC 33:III.Chapters 51 and 53, additional federal regulations in 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) and 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories as they pertain to major sources. These changes will expedite both the EPA approval process and the state implementation of delegation of authority for the NESHAP program. The NESHAP and the authority for EPA to delegate authority of that program to the state is established in the Clean Air Act Amendments of 1990, Section 112. This rulemaking is applicable to stationary sources statewide.

The basis and rationale for this rule is to maintain the delegation of authority from EPA to implement the NESHAP program. Louisiana incorporated certain NESHAP regulations by reference on January 20, 1997. In agreement with the revised delegated authority mechanism and with EPA grant objectives, the department is proposing to incorporate additional NESHAP regulations by reference.

A public hearing will be held on November 24, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by the AQ162*. Such comments must be received no later than November 24, 1997, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504)765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ162*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101;

3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen
Assistant Secretary

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5113. Notification of Start-up, Testing, and Monitoring

* * *

[See Prior Text in A-C.5]

a. Upon request, the owner or operator of any affected facility shall evaluate the performance of continuous monitoring systems and furnish the administrative authority with two or more copies of a written report of the test results within 60 days. The performance of the continuous monitoring systems shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of 40 CFR part 60, appendix B.

* * *

[See Prior Text in C.5.b-C.7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR part 61, revised as of July 1, 1995~~6~~, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

40 CFR 61	SUBPART/APPENDIX HEADING
Subpart A	General Provisions
Subpart C	National Emission Standard for Beryllium
Subpart D	National Emission Standard for Beryllium Rocket Motor Firing
Subpart E	National Emission Standard for Mercury

40 CFR 61	SUBPART/APPENDIX HEADING
Subpart F	National Emission Standard for Vinyl Chloride
Subpart J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
Subpart V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
Subpart Y	National Emission Standard for Benzene Emissions From Benzene Storage Vessels
Subpart BB	National Emission Standard for Benzene Emissions From Benzene Transfer Operations
Subpart FF	National Emission Standard for Benzene Waste Operations
Appendix A	National Emission Standards for Hazardous Air Pollutants, Compliance Status Information
Appendix B	Test Methods
Appendix C	Quality Assurance Procedures

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Federal Register* as ~~they exist~~promulgated from July 12, 1995~~6~~, through ~~June 30, 1996~~July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

40 CFR 61	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/ APPENDIX HEADING
Appendix B	61 FR 18278	April 25, 1996	Test Methods
Subpart A	62 FR 8328	February 24, 1997	General Provisions

* * *

[See Prior Text in C-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, 1995⁶, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	SUBPART/APPENDIX HEADING
* * *	
[See Prior Text in Subpart A-B]	
Subpart C	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List (Reserved)
* * *	
[See Prior Text in Subparts D-X]	
<u>Subpart Y</u>	<u>National Emission Standards for Marine Tank Vessel Loading Operations</u>
<u>Subpart CC</u>	<u>National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries</u>
<u>Subpart DD</u>	<u>National Emission Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations</u>
<u>Subpart GG</u>	<u>National Emission Standards for Aerospace Manufacturing and Rework Facilities</u>
<u>Subpart II</u>	<u>National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)</u>
<u>Subpart JJ</u>	<u>National Emission Standards for Wood Furniture Manufacturing Operations</u>
<u>Subpart KK</u>	<u>National Emission Standards for the Printing and Publishing Industry</u>
<u>Subpart OO</u>	<u>National Emission Standards for Tanks - Level I</u>
<u>Subpart PP</u>	<u>National Emission Standards for Containers</u>
<u>Subpart QQ</u>	<u>National Emission Standards for Surface Impoundments</u>
<u>Subpart RR</u>	<u>National Emission Standards for Drain Systems</u>
<u>Subpart VV</u>	<u>National Emission Standards for Oil-water Separators and Organic-water Separators</u>
* * *	
[See Prior Text in Appendix A-C]	
<u>Appendix D</u>	<u>Alternative Validation Procedure for EPA Waste and Wastewater Methods</u>

B. Except as modified in this Section and specified below, National Emission Standards for

Hazardous Air Pollutants for Source Categories published in the *Federal Register* as they exist ~~promulgated~~ from July 12, 1995~~6~~, through ~~June 30, 1996~~ July 1, 1997, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart B	61 FR 21372	May 10, 1996	Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)
Subpart C	61 FR 30823 <u>61 FR 37542</u>	June 18, 1996 <u>July 18, 1996</u>	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List
Subpart F	60 FR 63626 <u>61 FR 64574</u>	December 12, 1995 <u>December 5, 1996</u>	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry
	61 FR 7718 <u>62 FR 2729</u>	February 29, 1996 <u>January 17, 1997</u>	
	61 FR 31439	June 20, 1996	
Subpart G	61 FR 7718 <u>61 FR 64575</u>	February 29, 1996 <u>December 5, 1996</u>	National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater
	<u>62 FR 2742</u>	<u>January 17, 1997</u>	
Subpart H	60 FR 63631 <u>62 FR 2788</u>	December 12, 1995 <u>January 17, 1997</u>	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
	61 FR 31439	June 20, 1996	
Subpart I	61 FR 7718 <u>62 FR 2792</u>	February 29, 1996 <u>January 17, 1997</u>	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
	61 FR 31441	June 20, 1996	
Subpart M	61 FR 27788 <u>61 FR 49265</u>	June 3, 1996 <u>September 19, 1996</u>	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart N	61 FR 27787	June 3, 1996	National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
Subpart O	61 FR 27788	June 3, 1996	Ethylene Oxide Emission Standards for Sterilization Facilities
Subpart X	61 FR 27788	June 3, 1996	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
Subpart R	61 FR 43260 62 FR 9092	August 18, 1996 February 28, 1997	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
	61 FR 7723	February 29, 1996	
Subpart U	61 FR 46924	September 5, 1996	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
	62 FR 1837	January 14, 1997	
Subpart X	61 FR 65336	December 12, 1997	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting
	62 FR 32216	June 13, 1997	
Subpart Y	60 FR 48399	September 19, 1995	Federal Standards for Marine Tank Vessel Loading Operations and National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations
Subpart CC	60 FR 43260 62 FR 7938	August 18, 1995 February 21, 1997	National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries
	60 FR 49976	September 27, 1995	
	61 FR 7051	February 23, 1996	
	61 FR 29878	June 12, 1996	
	61 FR 33799	June 28, 1996	
Subpart GG	60 FR 45956 61 FR 66227	September 1, 1995 December 17, 1996	National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities
	61 FR 4903	February 9, 1996	
Subpart II	60 FR 64336 61 FR 66227	December 15, 1995 December 17, 1996	National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations
	61 FR 30816	June 18, 1996	
Subpart JJ	60 FR 62935 62 FR 30259	December 7, 1995 June 3, 1997	National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From Wood Furniture Manufacturing Operations
	62 FR 31363	June 9, 1997	
Subpart KK	61 FR 27140	May 30, 1996	National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From the Printing and Publishing Industry

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
<u>Subpart JJJ</u>	<u>61 FR 48229</u>	<u>September 12, 1996</u>	<u>National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins</u>
	<u>62 FR 1838</u>	<u>January 14, 1997</u>	
	<u>62 FR 30995</u>	<u>June 6, 1997</u>	
Appendix A	<u>60 FR 62952</u> <u>62 FR 2793</u>	<u>December 7, 1995</u> <u>January 17, 1997</u>	Test Methods
	<u>62 FR 12546</u>	<u>March 17, 1997</u>	
<u>Appendix C</u>	<u>62 FR 2801</u>	<u>January 17, 1997</u>	<u>Determination of the Fraction Biodegraded (Fbio) in the Biological Treatment Unit</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR Part 63, revised as of July 1, 1995⁶, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the State of Louisiana.

40 CFR 63	SUBPART/APPENDIX HEADING
Subpart A	General Provisions
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as ~~they exist~~^{promulgated} from July 12, 1995⁶, through ~~June 30, 1996~~^{July 1, 1997}, and specifically listed in the following table are hereby incorporated by reference as they apply to area sources in the State of Louisiana.

40 CFR 63	Federal Register Citation	Date Promulgated	Subpart/Appendix Heading
Subpart M	61 FR 27788 <u>61 FR 49265</u>	June 3, 1996 <u>September 19, 1996</u>	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	61 FR 27788 <u>61 FR 65336</u>	June 3, 1996 <u>December 12, 1996</u>	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting
	<u>62 FR 32216</u>	<u>June 13, 1997</u>	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR